



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Forty-sixth Meeting Day

Tuesday Afternoon

April 15, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Father Richard Miller, St. Andrew's Episcopal Church, Valparaiso, the guest of Representative Duane Cheney.

The Pledge of Allegiance to the Flag was led by Representative Cheney.

The Speaker ordered the roll of the House to be called:

|               |              |
|---------------|--------------|
| T. Adams      | Kromkowski   |
| Aguilera      | Kruse        |
| Alderman ...  | Kuzman       |
| Austin        | LaPlante     |
| Avery         | L. Lawson    |
| Ayres         | Lehe         |
| Bardon        | Leonard      |
| Becker        | Liggett      |
| Behning       | J. Lutz      |
| Bischoff      | Lytle        |
| Borror        | Mahern       |
| Bosma         | Mangus       |
| Bottorff      | Mays         |
| C. Brown      | McClain      |
| T. Brown      | Moses        |
| Buck          | Murphy       |
| Budak         | Neese        |
| Buell         | Noe          |
| Burton ...    | Orentlicher  |
| Cheney        | Oxley        |
| Cherry        | Pelath       |
| Chowning      | Pflum        |
| Cochran       | Pierce       |
| Crawford      | Pond         |
| Crooks        | Porter       |
| Day           | Reske        |
| Denbo         | Richardson   |
| Dickinson     | Ripley       |
| Dobis         | Robertson    |
| Duncan        | Ruppel       |
| Dvorak        | Saunders     |
| Espich        | Scholer      |
| Foley         | V. Smith     |
| Frenz         | Stevenson    |
| Friend        | Stilwell     |
| Frizzell      | Stine        |
| Fry           | Stutzman     |
| GiaQuinta ... | Summers      |
| Goodin        | Thomas       |
| Grubb         | Thompson     |
| Gutwein       | Torr         |
| Harris        | Turner       |
| Hasler        | Ulmer        |
| Heim          | Weinzapfel   |
| Herrell       | Welch        |
| Hinkle        | Whetstone    |
| Hoffman ...   | Wolkins      |
| Kersey        | D. Young ... |
| Klinker       | Yount        |
| Koch          | Mr. Speaker  |

Roll Call 572: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 16, 2003, at 1:30 p.m.

LYTLE

Motion prevailed.

## MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On April 15, 2003, I signed into law House Enrolled Acts 1055, 1133, 1278, 1645, and 1968.

FRANK O'BANNON  
Governor

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1022, 1492, and 1858 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1082, 1169, 1243, 1336, 1358, 1407, 1430, 1431, 1439, 1445, 1481, 1556, 1573, 1630, 1653, 1655, 1659, 1671, 1701, 1718, 1738, 1749, 1811, 1837, 1850, 1902, 1972, 2005, and 2008 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1437:

Advisor: Miller

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1458:

Conferees: Miller and Breaux  
Advisors: Riegsecker and Simpson

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1620:

Advisor: Kenley

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 176 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Server, Chair; and S. Smith

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 201 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Clark, Chair; and Dembowski

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 383 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Clark, Chair; and Broden

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 435 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Clark, Chair; and Broden

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 440 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Gard, Chair; and Hume

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 462 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Breau  
Advisors: C. Lawson and Simpson

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 501 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Lubbers, Chair; and Rogers

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 506 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Meeks, Chair; and Sipes  
Advisors: Long and Bowser

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 43, 59, and 60 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 63 and 65 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

## House Concurrent Resolution 55

Representative Saunders introduced House Concurrent Resolution 55:

A CONCURRENT RESOLUTION honoring the Shenandoah High School varsity girls' basketball team for winning the Indiana Class 2A girls' basketball state championship for 2002-2003, their athletic director and principal of Shenandoah High School.

*Whereas, The Shenandoah girls' varsity basketball team ended their record with twenty-three wins and five defeats;*

*Whereas, To achieve this record, they participated in the Winchester sectional, where they defeated Centerville, Hagerstown and Winchester. They advanced to the Mississinewa regional where they defeated Garrett, and then the semi-state where they defeated Boone Grove;*

*Whereas, The Shenandoah girls' varsity basketball team finished the season by defeating Southwestern in the state final game fifty-two to fifty-one;*

*Whereas, This is Shenandoah's third trip to the state-finals, but they finished as runners-up the previous two years. There are only 393 students in all four grades, and the girls' team is represented by five seniors, two juniors, three sophomores and two freshman;*

*Whereas, Shenandoah's Kara Keesling somehow made a miracle pass that set the stage for a miracle ending in the Class 2A girls basketball state championship at Conseco Fieldhouse on Saturday;*

*Whereas, Kara Keesling's pass led to the biggest two free throws in Shenandoah and Henry County history. Keesling's pass eluded a pair of Southwestern defenders and landed in the hands of Amanda Norris, the team's leader, Amanda was fouled with 2.1 seconds left in the game and her team down fifty-one to fifty;*

*Whereas, Amanda stepped up to the line and knocked the first free throw in causing the score to be fifty-one to fifty-one. She lined-up her next shot and calmly, yet majestically, let fly a shot that will remain in the memories of teammates, coaches and friends for a lifetime. Amanda hit the second shot and seconds later the Raiders stood as the victors;*

*Whereas, For the first time in seventy-one long years, Henry*

*County had a team do the impossible and emerge as state champions;*

*Whereas, Shenandoah had led the entire first half against last year's champions, Southwestern. In the second half it was a roller coaster ride that wasn't going to end until the final horn sounded;*

*Whereas, We recognize these players and their coaches: Jasmine Rogers, Tasha Class, Emily Gray, Mary Saunders, Chelsea Miller, Kara Keesling, Charli McCord, Amber McKinley, Suzanne Pressel, Janelle Atkinson, Amanda Norris, Teran Warner; Assistant Coaches Kathy Terrell, Thom Reddington, Jeff Miller, Robin Riggs and Dale Griggs; Head Coach, Todd Salkoski; Athletic Director, Rick Penn; Principal Charles Willis: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly honors the Shenandoah High School varsity girls' basketball team on their Class 2A girls' basketball state championship for 2002-2003, their athletic director and principal of Shenandoah High School.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Shenandoah High School varsity girls' basketball team, Mr. Rick Penn, Athletic Director, and Mr. Charles Willis, Principal.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Gard.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis

#### **House Concurrent Resolution 56**

Representatives Mays and Hinkle introduced House Concurrent Resolution 56:

A CONCURRENT RESOLUTION congratulating the Pike High School Red Devils on their Class 4A state basketball title.

*Whereas, On Saturday, March 29, 2003, the Pike High School, Indianapolis, Indiana, boys' basketball team became the IHSAA Class 4A state boys' basketball champions;*

*Whereas, Pike High School is only the eighth unbeaten team to capture the state title since the tournament began in 1911. The last team to accomplish this was Marion in 1985;*

*Whereas, This year's Red Devils team is the first in Pike High School history to finish the season unbeaten;*

*Whereas, Pike entered the final game ranked No. 1 in the state and averaging 74 points per game while limiting opponents to an average of 48.9 points per game;*

*Whereas, This year marks the third consecutive year that the Pike Red Devils have been in the Class 4A championship game, winning the title in 1998 and 2001 and taking second place in 2002; and*

*Whereas, Excellence in athletics requires dedication and hard work. The members and coaches of the Pike High School team have displayed the type of determination that resulted in victory: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Pike High School Red Devils for their victory in the Class 4A state basketball championship and wishes them continued success.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each member of the Pike High School basketball team, head coach Larry Bullington, all assistant coaches, managers, trainers, the principal of Pike High School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Clark.

#### **House Resolution 60**

Representative Stine introduced House Resolution 60:

A HOUSE RESOLUTION to honor the Southwestern High School boys' basketball team.

*Whereas, It has been fifty-six years since a basketball team from Shelby County has reached the championship game;*

*Whereas, The Southwestern High School boys' basketball team was runner-up in the Class "A" state championship game;*

*Whereas, The Southwestern High School boys' basketball team not only competed at Conseco Fieldhouse, but also are the reigning Shelby County champions and Mid-Hoosier Conference champions;*

*Whereas, Derrick Smith, a Southwestern High School senior, was named the recipient of the coveted Trester Award;*

*Whereas, Southwestern High School would like to recognize Coach Stacy Meyer for being an outstanding coach: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the House of Representatives and the Indiana General Assembly congratulates Southwestern High School boys' basketball team for being runner-up in the Class "A" state championship game and Derrick Smith, a Southwestern High School senior, for being the recipient of the coveted Trester Award.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Coach Stacy Meyer and the members of the Southwestern High School basketball team.

The resolution was read a first time and adopted by voice vote.

#### **House Resolution 61**

Representatives Austin, Reske, and J. Lutz introduced House Resolution 61:

A CONCURRENT RESOLUTION honoring Thomas Rodgers as the 2003 winner of the Music Teachers National Association (MTNA) Junior High String Competition.

*Whereas, Thomas Rodgers is the 15 year old Anderson, Indiana, native who is the 2003 winner of the Music Teachers National Association (MTNA) Junior High String Competition;*

*Whereas, The MTNA, a 24,000 member organization composed of professional music teachers and founded in 1876, organizes their competitions for junior high, senior high, and collegiate level competitors;*

*Whereas, After moving through state and regional auditions, Thomas Rodgers was one of seven finalists in his age group from around the country who were invited to compete in the National Conference held in Salt Lake City, Utah, on March 15th;*

*Whereas, The finalists of the MTNA Junior High String Competition performed compositions from the classical violin repertoire for a panel of three distinguished judges;*

*Whereas, Thomas's program included works by Ernst Bloch, J.S. Bach, and Felix Mendelssohn;*

*Whereas, As a national winner of the competition, Thomas was featured during the winner's concert in the Grand Ballroom of the Salt Lake City Convention Center and will receive a commemorative plaque accompanied by a cash award of \$500 from the MTNA Foundation;*

*Whereas, Thomas began his musical career at the age of six when he started taking lessons from Mrs. Beverly Scott who, for many years, has nurtured the growth of countless young violin students in Anderson;*

*Whereas, In 1998 Thomas began attending the Indiana University String Academy in Bloomington, Indiana, studying first with Christina Hightower and then with Mimi Zweig;*

*Whereas, Thomas's awards include: winning the young artist competitions held by the Carmel Symphony, Muncie Symphony, and the Fort Wayne Philharmonic; appearing as concerto soloist with the Carmel Symphony, Muncie Symphony, and the Fort Wayne*

*Philharmonic; and receiving the 2003 Fellowship for Young Artists in Chamber Music awarded by the International Violin Competition of Indianapolis where he will receive chamber music coaching from Indianapolis Symphony Concertmaster Hidetaro Suzuki in preparation for performing in a Suzuki and Friends chamber music concert at the Indiana State Historical Society Museum in Indianapolis;*

*Whereas, Thomas has performed twice this season at the Paramount Theater, appearing on the Traditions in Anderson concert; in the Martin Luther King, Jr., Celebration; at the Pendleton First United Methodist Church; the Park Place Church of God; and at the Central Christian Church;*

*Whereas, In April Thomas will perform again at the Park Place Church of God as a member of the Indiana University Violin Virtuosi, a group of gifted young violinists returning by popular demand after a warmly received concert last spring who have been featured on National Public Radio's "From the Top", a weekly program that showcases young classical musicians from all over the United States and has performed in Carnegie Hall in New York City and will perform in France this summer;*

*Whereas, This summer Thomas plans to attend Meadowmount School of Music in New York, which conducts an intensive summer program attended by many professional violinists in their early years; and*

*Whereas, By virtue of winning the above mentioned MTNA competition and accomplishing so much else musically, Thomas has distinguished himself, his community, and Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana General Assembly wishes to honor and congratulate Thomas Rodgers on his selection as the 2003 winner of the Music Teachers National Association (MTNA) Junior High String Competition and for his many other accomplishments.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Thomas Rodgers and his parents.

The resolution was read a first time and adopted by voice vote.

### **Senate Concurrent Resolution 43**

The Speaker handed down Senate Concurrent Resolution 43, sponsored by Representatives Porter and Scholer:

A CONCURRENT RESOLUTION to memorialize and honor Dr. J. Stephen Grimes.

*Whereas, Dr. J. Stephen Grimes gave his life to the children of the State of Indiana's school system;*

*Whereas, For the past seventeen years, Dr. Grimes served as the Assistant Superintendent for the Indiana Department of Education's Center for Assessment, Research and Information Technology. While at the Department of Education, he also served as senior officer of the Center for Administration and Financial Management;*

*Whereas, Dr. Grimes was instrumental in launching the ISTEP-Plus program for statewide testing of Hoosier students. The ISTEP-Plus tests students' basic skills and their ability to apply these skills in real world situations;*

*Whereas, Prior to working for the Indiana Department of Education, Dr. Grimes served ten years as Director of the Office of Fiscal and Management Analysis in the Indiana Legislative Services Agency, developing new research and evaluation programs responsible to the Indiana General Assembly; and*

*Whereas, Dr. Grimes gave over twenty-eight years of his life to making the State of Indiana a better place by implementing policies to improve education: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes and honors Dr. J. Stephen Grimes for his work and dedication to the

State of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Grimes family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 59**

The Speaker handed down Senate Concurrent Resolution 59, sponsored by Representatives Orentlicher and Ruppel:

A CONCURRENT RESOLUTION honoring the Butler men's basketball team on its record breaking season and outstanding performance in the NCAA Tournament.

*Whereas, The 2002-2003 Butler Bulldogs men's basketball team finished the season with a 27-6 record, compiling its seventh straight 20 win season and advancing to post season play for the seventh consecutive year;*

*Whereas, The team also won a league record fourth straight Horizon League regular season tournament and finished the season with an unbeaten home record of 12-0;*

*Whereas, The Butler Bulldogs won a bid to the NCAA Tournament where they defeated number twenty ranked Mississippi State. Their passion for team work and love of the game led them to a hard fought and well-deserved upset victory over the fourth-seeded Louisville Cardinals, advancing to the "Sweet 16" for only the second time in school history;*

*Whereas, The 12th seeded Butler Bulldogs were one of only two double digit seeded teams to break into the NCAA tournament's "Sweet 16";*

*Whereas, Butler coach Todd Lickliter has guided the Bulldogs to the top two single season win totals in school history. Only two coaches in NCAA Division 1 history have recorded more wins in their first two seasons as head coach;*

*Whereas, The Bulldogs played with passion and spirit against top-seeded Oklahoma on March 28th to bring honor to the State of Indiana;*

*Whereas, Senior Darnell Archey set an NCAA Division 1 record by hitting 85 consecutive free throws, Senior Joel Cornette became just the fifth player in Butler basketball history to record 1,000 career points and 700 career rebounds and Senior Brandon Miller became the eighth player to score 1,000 points in just three seasons; and*

*Whereas, In addition to its athletes performing well on the basketball court, Butler University's eighty-six percent student-athlete graduation rate was the highest of all teams in the Sweet 16: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of Indiana recognizes and honors the Butler men's basketball team for its record breaking season and accomplishments in NCAA tournament play.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Coach Todd Lickliter, Dr. Bobby Fong and each member of the 2002-2003 Butler men's basketball team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 60**

The Speaker handed down Senate Concurrent Resolution 60, sponsored by Representatives Goodin and Koch:

A CONCURRENT RESOLUTION honoring Katie Stam for her outstanding achievements in winning the titles of Teen Jackson County 2001, Kentuckiana Teen, and America's Southern Teen 2002-2003.

*Whereas, Katie Stam is a sophomore at Seymour High School and has the distinguished honor of being the first Indiana resident to hold the 'triple crown' in the same pageant system starting at the local level;*

*Whereas, In September 2001, Katie was named Teen Jackson County 2001, winning all three phases of competition, personal interview, style, and evening gown;*

*Whereas, In June 2002, Katie advanced to the state competition, Kentuckiana Teen, where she won the swimsuit and runway categories, was voted Miss Congeniality, was named Teen of the Year 2002, and won the prestigious title of Kentuckiana Teen, advancing to the National America's Southern Teen Pageant in Shreveport, Louisiana;*

*Whereas, While representing the states of Kentucky and Indiana at the National America's Southern Teen Pageant, Katie won the evening gown, swimsuit, and runway competitions, and was awarded the national title of America's Southern Teen 2002-2003;*

*Whereas, Katie travels throughout the southern states as America's Southern Teen, emceeing events, entertaining, volunteering, and working with different charities; and*

*Whereas, Katie will continue to make appearances in Missouri, Arkansas, Tennessee, Mississippi, Louisiana, Indiana and Kentucky as America's Southern Teen: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors and congratulates Katie Stam on winning the titles of Teen Jackson County 2001, Kentuckiana Teen, and America's Southern Teen.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Katie Stam, Keith and Tracy Stam, and J. Scot Reid.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 63**

The Speaker handed down Senate Concurrent Resolution 63, sponsored by Representatives Austin, Reske, and J. Lutz:

A CONCURRENT RESOLUTION honoring and congratulating Thomas Rodgers, a fifteen-year-old violinist on winning this year's national Music Teachers National Association Junior High String Competition.

*Whereas, Thomas Rodgers is a fifteen-year-old native of Anderson, Indiana;*

*Whereas, After advancing through state and regional auditions, Thomas was one of seven finalists in his age group from around the country who were invited to compete in Salt Lake City, Utah as part of the Music Teachers National Association's (MTNA) 2003 National Conference;*

*Whereas, MTNA is 24,000 member organization of professional music teachers founded in 1876 whose competitions are organized for junior high, senior high, and collegiate levels;*

*Whereas, The finalists of the MTNA Junior High String Competition performed compositions from the classical violin repertoire for a panel of three distinguished judges and Thomas' program included works by Ernst Bloch, J.S. Bach, and Felix Mendelssohn;*

*Whereas, As national winner of the competition, Thomas was featured on the Winners concert in the Grand Ballroom of the Salt Lake City Convention Center, and he will receive a commemorative plaque accompanied by a cash award of \$500 from the MTNA Foundation;*

*Whereas, At the age six Thomas began lessons with Mrs. Beverly Scott, who for many years has nurtured the growth of countless young violin students in Anderson;*

*Whereas, In 1998, Thomas began attending the Indiana University*

*string Academy in Bloomington, Indiana, studying first with Christina Hightower and then Mimi Zweig;*

*Whereas, Thomas' accolades include: winner of young artist competitions held by the Carmel Symphony, Muncie Symphony, and the Fort Wayne Philharmonic, and he has appeared as concerto soloist with all of these orchestras; 2003 recipient of the Fellowship for Young Artists in Chamber Music awarded by the International Violin Competition of Indianapolis with which Thomas will receive chamber music coaching from Indianapolis Symphony Concertmaster, Mr. Hidetaro Suzuki and will perform on a Suzuki and friends chamber music concert at the Indiana State Historical Society Museum in Indianapolis;*

*Whereas, Thomas has performed twice this season at the Paramount Theater, appearing on the Traditions in Anderson concert and in the Martin Luther King Jr. Celebration; Thomas has also displayed his talent at Pendleton First United Methodist Church, Park Place Church of God, and Central Christian Church;*

*Whereas, In April, Thomas will perform again at Park Place church of God as a member of the Indiana University Violin Virtuosi, a group of gifted young violinists returning by popular demand after a warmly received concert last spring; this group, which is directed by Mimi Zweig of the Indiana University School of Music, has been featured on National public Radio's From the Top, a weekly program that showcases young classical musicians from all over the United States and has performed in Carnegie Hall in New York City and will perform in France this summer; and*

*Whereas, This summer Thomas plans to attend Meadowmount School of Music in New York, an intensive summer program attended by many professional violinists in their early years.*

*Whereas, By virtue of winning the above mentioned MTNA competition, and all of the other previously mentioned musical accomplishments, Thomas has distinguished himself, his community, and the State of Indiana in a very significant manner: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the General Assembly honor and congratulate Thomas Rodgers on his many musical accomplishments and achievements.

SECTION 2. That the Secretary of the Senate shall transmit copies of this resolution to Thomas Rodgers and his parents.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 65**

The Speaker handed down Senate Concurrent Resolution 65, sponsored by Representatives Espich and Reske:

A CONCURRENT RESOLUTION memorializing Major General Charles W. Whitaker.

*Whereas, Major General Charles W. Whitaker passed away March 4, 2003;*

*Whereas, Major General Whitaker was the Adjutant General for the Indiana Army and Air National Guard, a position that made him responsible for the readiness of the units, soldiers, and airmen of the Indiana National Guard in fulfilling their state and federal mission;*

*Whereas, Major General Whitaker was born January 12, 1937, in Jasonville, Indiana;*

*Whereas, Major General Whitaker graduated from Coalmont High School, received an associate degree in general studies from Vincennes University, Vincennes, Indiana, and a bachelor of science degree in liberal arts from the State University of New York—University at Albany, New York;*

*Whereas, Major General Whitaker also attended the Armor Noncommissioned Officer Academy, the Armor Advance Officer Orientation, the Armor Preventive Maintenance, the Recruiting and Retention School, Command and General Staff College, the Four*

*Command and General Staff Refresher Course, and the National Defense Security Course;*

*Whereas, Major General Whitaker began his military career in January 1954 as an enlisted man in the 38th Reconnaissance Company, Indiana Army National Guard;*

*Whereas, Throughout his military career, Major General Whitaker was recognized for his accomplishments with the following decorations: the Legion of Merit, the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, the Army Reserve Components Achievement Medal with four oak leaf clusters, the Humanitarian Service Medal, the Armed Forces Reserved Medal with four 10-year devices, the Noncommissioned Officer Professional Development Ribbon, and the Army Reserve Components Overseas Training Ribbon;*

*Whereas, Major General Whitaker also received numerous state medals, including the Indiana Distinguished Service Medal, the Indiana Commendation Medal with two bronze oak leaves, the Indiana Long Service Medal with 40-year device, the Indiana Emergency Service Ribbon with one silver oak leaf and four bronze oak leaf clusters, the Indiana Overseas Ribbon, and the Indiana Volunteer Emblem;*

*Whereas, In addition to his duties as Adjutant General for the Indiana Army and Air National Guard, Major General Whitaker was active in the National Guard Association of the United States, the National Guard Association of Indiana (president, vice president, and secretary), the Adjutants General Association of the United States, the Association of the United States Army, Indiana Chapter (second vice president), the Knights of Columbus, the Fraternal Order of Elks, the American Legion, the Order of Kentucky Colonels, Our Lady of Greenwood Catholic Church, the Board of Trustees for Saint Mary-of-the-Woods College, and the Board of Directors, USO Council of Indianapolis, Inc.;*

*Whereas, Major General Whitaker was also a recipient of a Sagamore of the Wabash; and*

*Whereas, Major General Charles W. Whitaker was a soldier and a gentleman who believed in honor and lived his life accordingly: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly extends its sympathy to the family of Major General Charles W. Whitaker and expresses its sincere gratitude for the years of dedicated service Major General Whitaker gave to his community, his state, and his country. He will be greatly missed by all who knew him.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to his wife, Patricia, and his children, Christina, Cathleen, and Charles.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Representative Mangus was excused for the rest of the day.

## **MOTIONS TO CONCUR IN SENATE AMENDMENTS**

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1089.

KERSEY

Roll Call 573: yeas 76, nays 11. Motion prevailed.

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate

amendments to Engrossed House Bill 1131.

C. BROWN

Roll Call 574: yeas 66, nays 26. Motion prevailed.

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1148.

LYTLE

Roll Call 575: yeas 88, nays 2. Motion prevailed.

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1151.

LYTLE

Roll Call 576: yeas 90, nays 0. Motion prevailed.

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1368.

FOLEY

Roll Call 577: yeas 92, nays 0. Motion prevailed.

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1489.

KERSEY

Roll Call 578: yeas 91, nays 1. Motion prevailed.

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1523.

DOBIS

Roll Call 579: yeas 88, nays 2. Motion prevailed.

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1535.

DOBIS

Roll Call 580: yeas 88, nays 4. Motion prevailed.

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1660.

DAY

Roll Call 581: yeas 92, nays 0. Motion prevailed.

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1728.

CRAWFORD

Roll Call 582: yeas 91, nays 0. Motion prevailed.

## **MOTIONS TO DISSENT FROM SENATE AMENDMENTS**

### **HOUSE MOTION**

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1701 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

C. BROWN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1481 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

PFLUM

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1082 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WEINZAPFEL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1430 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MAHERN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1659 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WOLKINS

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1605 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

RESKE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1243 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AYRES

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1573 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KROMKOWSKI

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1630 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WELCH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate

amendments to Engrossed House Bill 1439 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BOTTORFF

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1671 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BOTTORFF

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1811 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CRAWFORD

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1655 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BARDON

Motion prevailed.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

## PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1131, Roll Call 574, on April 15, 2003. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, the voting machine did not register my vote. I intended to vote nay."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: the final vote tally for the concurrence on Engrossed House Bill 1131 is 66 yeas, 26 nays.*]

## PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1151, Roll Call 576, on April 15, 2003. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, the voting machine did not register my vote. I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: the final vote tally for the concurrence on Engrossed House Bill 1151 is 90 yeas, 0 nays.*]

## PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 343, Roll Call 565, on April 14, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

NOE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: the final vote tally for Engrossed Senate Bill 343 is 94 yeas, 4 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 490, Roll Call 538, on April 14, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

NOE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: the final vote tally for Engrossed Senate Bill 490 is 82 yeas, 17 nays.*]

Pursuant to House Rule 156, conference committee meetings were announced.

On the motion of Representative Scholer, the House adjourned at 3:35 p.m., this fifteenth day of April, 2003, until Wednesday, April 16, 2003, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives